The Times Dispatch

THE TIMES FOUNDED 1850.
THE DISPATCH FOUNDED IN 1850.

WHOLE NUMBER 18,497. RICHMOND, VA., THURSDAY, JANUARY 12, 1911. THE WEATHER TO-DAY—Rain. PRICE TWO CENTS.

JUDGE SCOTT FLAYS PURYEAR WITNESS

Asks Why Magistrate Did Not Keep Peace and Save Life.

THREE TO ONE HE POINTS OUT

Brother of Man Who Killed Williams Declares He Was Excited and Frightened and That He Called for Help. Did Not Declare Himself an Officer.

With the evidence for both sides all in, and argument on instructions finished late yesterday afternoon, Frank Puryear, a former special officer in Henrico county, charged with the killing of Jesse Williams near the State Fair Grounds on the night of October 5, 1910, will probably learn the verdict this morning, the jury having been adjourned to 10 o'clock to-day. The most notable feature of the proceedings yesterday was the severe cross-questioning of Frank Puryear and his brother, Magistrate Thomas Puryear, by Judge R. Carter Scott of the Henrico county Circuit Court, who probed deeper into the slaying of Williams and asked more questions of these two men than all the lawyers combined. Magistrate Puryear became hopelessly involved under the searching examination, and proved to be a poor witness in his brother's behalf. Judge Scott wanted to know why, when Williams made his alleged advance on him (Puryear), he did not announce that he was a magistrate of the county and a conservator of the peace, and why when, as he stated on the witness stand, he believed his brother to be in peril of his life, he did not go to his rescue instead of idly calling for help—help that did not come until Williams was gasping out his last breath and the girl at his side was on the verge of hysteria.

To these questions Magistrate Puryear replied that he didn't have time to do anything; that he was excited, and, finally, he admitted that he was frightened. He offered as further explanation that he was physically weak; that he was unable to repel onslaught; that he had never made an attack on any man and had never been in a fight in his life.

Prisoner Nervous.

"But isn't it a man's first instinct to go to the aid of his own blood?" asked Commonwealth's Attorney Julien Gunn. "Wouldn't you die for your brother?" The witness agreed with the lawyer, but still insisted that he didn't have time to do anything. While his brother was testifying, the prisoner exhibited every sign of nervousness. He was plainly agitated.

All the testimony was in shortly before 5 o'clock, and a short time later, while the attorneys were arguing the instructions, Judge Scott excused the jury until 10 o'clock this morning, allowing them to go to their homes. They were given the usual instructions as to being careful not to discuss the case with outsiders.

The evidence was not materially different from that given in the preliminary hearing, in which the former constable was acquitted by Magistrate W. W. H. Kidwell, now dead. Coroner Taylor was the first witness. He described the nature of the wounds and the general physique of the man, and stated that Williams was not armed.

Missed Last Car.

Miss Mabel Lee Daniels, who was being accompanied home by Williams when he was shot and killed, followed. She stated that she had been employed as a ticket seller at the fair and that she was joined by Williams about 10 o'clock on the night of the shooting. They visited several shows and then went to the car line, only to find that all the cars had gone. A special car was at the grounds, and Williams asked the conductor and Superintendent Herman Pollard, of the Virginia Railway and Power Company, to be allowed to ride. They refused him, and the two started walking home. Miss Daniels became tired, and they sat down on the roadside to rest. They had been seated only a short time when some one came up and asked: "What are you doing over there?"

Williams jumped to his feet, and though she pleaded with him not to start a fight, there was a scuffle, and presently the noise of two shots rang in her ears.

Edgar English, who was also walking home, testified that he heard the shots, and when he went back to see what was the trouble, found Williams gasping his last breath.

E. W. Shelton went on the stand. He left the Fair Grounds at a quarter to 12, joining the two Puryears and Constable Rogers, the latter of whom was convoying two prisoners. He saw Magistrate Puryear go over to the side of the road, but heard no talk. He saw a man rise up from the ground, and then heard two shots. He stated that he heard one of the crowd say to Puryear: "Go over there and see what the trouble is."

Between the two shots he testified that he heard Williams imploring not to be shot again, saying: "Don't shoot me any more, for God's sake!" or something to that effect.

W. L. Spruill saw Williams and Miss Daniels try to get passage on a street car, which was refused them. He said that Williams appeared to be under the influence of whiskey and that he was angry when refused a ride home.

Judge Scott Determined.

J. Ford, a material witness for the Commonwealth, was missing, and Judge Scott halted proceedings until he had ordered Sheriff Kemp and Deputy Sheriff Traylor to go out and find him, even if they had to take out all the officers. He was finally found and brought into court.

Dr. B. L. Hillsman, a witness for the defense, was called in the interim. He described the nature of Puryear's injury, saying that the prisoner presented a badly contused eye and that he complained of soreness in his side. He said that the bruised eye could have been inflicted by a fist blow.

J. T. Eubank, also for the defense,

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ANOTHER SENATOR UNDER CHARGES

Stephenson, of Wisconsin, Said to Have Purchased Seat.

REPORT IS MADE BY COMMITTEE

Probers of State Senate Find That Election Is Null and Void on Account of Attempted Briberies and Corrupt Practices by Senator and His Workers.

Madison, Wis., January 11.—"The nomination in the primary and the election to the United States Senate by the Legislature of Isaac Stephenson are null and void, on account of attempted briberies and corrupt practices by himself and his campaign leaders, agents and workers, and of violations of the laws of Wisconsin defining and punishing offenses against the elective franchise."

This is the gist of the findings of a special senatorial investigating committee in its report submitted to Governor Francis E. McGovern to-day. The report is signed by Lieutenant-Governor Thomas Morris and Senator Spencer W. Marsh, Republicans, and Senator Paul Husting, Democrat.

Early in the legislative session of 1909 resolutions were introduced in both houses calling for an investigation of the senatorial primary election. The resolutions were particularly pointed at United States Senator Isaac Stephenson, who, according to his report filed with the Secretary of State, expended $107,000 during the campaign.

Speaker Bancroft, of the Assembly, named a committee, composed of a majority of Stalwart Republicans, and Lieutenant-Governor John Strange, who then presided over the Senate, named Senators Marsh, Morris and Husting. The committees met in joint session for several weeks. Then the Assembly branch of the committee decided to go no further.

Found No Evidence.

The Assembly members of the committee rendered a report recommending the enactment of a law regulating campaign expenditures and stating that there was no evidence of corruption on the part of Senator Stephenson.

Following this a special resolution was adopted by the Senate, making the three Senators named a special investigating committee to probe further into the primary election.

To-day's report and findings are the result of that special committee's work.

The Assembly members of the joint investigating committee are scored by the Senate committee for their alleged failure to assist in a thorough investigation of the Stephenson nomination and election. Among the statements in the report on this point is one saying:

"Throughout the session the Assembly members of the committee persistently endeavored to prevent the investigation of Isaac Stephenson."

The committee recommends that a copy of the report be certified to the United States Senate by the Governor and the Legislature, with the request that that body investigate the manner in which Stephenson procured his election.

Statute Violated.

The Senator is charged with violating the statute which requires an account under oath of campaign expenditures to be filed, and it is also alleged that such violation was premeditated. The committee also charges the Senator with giving money to State Game Warden Stone and L. B. Dresser, then president of the Board of Control, and that he also gave money to a supporter of McGovern for United States Senator, such supporter afterwards switching to Stephenson, and that he paid large sums of money to others, which were afterwards used by them to induce others to assist in procuring his election.

"A large part of money distributed in the Stephenson campaign, probably a sum in excess of $500,000," the statement says, "was used by Stephenson and his managers to unlawfully and corruptly procure the nomination and election of Isaac Stephenson to the United States Senate."

Concluding, the statement says: "Under the law, if a person elected clearly participates in any act of bribery or attempted bribery, he should be denied office, although the result of the election was not thereby changed. This in the opinion of the committee, Senator Stephenson did."

Stephenson Explains.

Washington, D. C., January 11.—Senator Stephenson, in commenting on the news from the Wisconsin State Capitol that charges of violation of the election laws had been filed against him with the Governor, gave out the following:

"The report of the majority of the legislative committee was made at the session of the Legislature held two years ago. The committee, after an exhaustive investigation, exonerated me and all those connected with my campaign of all the charges. The report now made is by three of the old committee, who refused to concur with the majority. They did not then submit a report, but have waited until a Legislature had been elected which they regarded as favorable to their plans. Two of them are no longer members of the Legislature. I have not yet seen the report. So far as the charges have come to me, they are without foundation and wholly false."

WANTS LAWS REVISED

Governor Campbell Asks for Changes in Court Procedure.

Austin, Tex., January 11.—Governor Thomas, who will retire as Governor of Texas next week, in his final message to the Legislature, to-day recommended a general revision of the laws governing court procedure, and reiterated his advocacy of legislation which would prevent the sale of liquor within ten miles of any institution of learning supported wholly or in part by the State.

SENATOR HUGHES DIES IN DENVER

Colorado Political Leader Had Been Ill for Year.

HAD SERVED TWO YEARS IN SENATE

He Was Known as One of the Country's Leading Mining Lawyers, and Had Attained Enviable Position Among His Colleagues in Upper Branch of Congress.

Denver, Colorado, January 11.—Charles James Hughes, Jr., junior United States Senator from Colorado, died in his home here to-day after an illness of nearly a year. He had been unconscious since yesterday and passed from a state of coma almost imperceptibly into death.

The immediate cause of death was pernicious anaemia, with complication of myelitis. A trip to the Hawaiian Islands last fall failed to improve his health, and shortly after his return home he was confined to his bed and remained there until the end.

Senator Hughes leaves a widow and four children.

The news of Senator Hughes's death caused general sorrow throughout the city. At the State House the flag was half-masted, and the House and the Senate soon adjourned. Flags on other buildings were also dropped as a mark of mourning.

The funeral of Senator Hughes will be held next Friday afternoon in private. For two hours preceding the funeral the body will lie in state in the Capitol.

Charles James Hughes, Jr., was born in Kingston, Missouri, February 16, 1853, his father being an attorney and the family prominent in Missouri politics. He began the practice of the law in 1877, coming in that year to Colorado. Here he became one of the most noted mining lawyers in the country. He was indorsed in 1908 by the Democratic State Convention for United States Senator and elected to that office by the next Legislature.

Senator Hughes married Miss Lucy Menefee, of a Virginia family, in Richmond, Missouri, September 1, 1884.

Had Attained High Place.

Washington, D. C., January 11.—While Mr. Hughes had occupied his seat in the Senate for less than two years, he had attained a high place in the esteem of his colleagues, and universal regret was expressed over his demise.

The Colorado Senator gave especial attention to legal and public land questions, and during the last session devoted much time to the railroad bill. He was a trained lawyer, and had shown especial aptitude for debate.

Mr. Hughes's colleague, Senator Guggenheim, did not to-day offer the usual resolutions expressing the regret of the Senate, because of his desire to learn first the wishes of the Hughes family regarding a public funeral.

A telegram of inquiry was sent, but when the Senate adjourned no reply had been received. Upon the character of this response will depend the course of the Senate in the matter of the appointment of a committee of Senators to attend the funeral.

The announcement of the death will be made when the Senate convenes to-morrow, and an adjournment will be taken for the day.

W. A. BLOUNT IN LEAD

Second Primary Will Be Necessary to Pick a Senator.

Jacksonville, Fla., January 11.—W. A. Blount is maintaining his lead of approximately 3,500 votes in the senatorial primary. N. P. Bryan is second, with a lead over J. N. C. Stockton slightly less than a thousand votes, and it is practically assured that Blount and Bryan will be the two candidates in the second primary. But two-thirds the nomal vote was polled. Reports are slow, but it is not expected that the late returns will materially change the position of the candidates.

TOURISTS "HUNG UP"

At Various Points Around World When Company Fails.

Boston, January 11.—The filing of the bankruptcy schedule of the Collver Tours Company in the United States District Court to-day showed that between twenty-five and thirty persons who had paid for tickets for a tour around the world are "hung up" at various points in Europe and Asia. The liabilities of the company aggregate nearly $19,000, with assets of less than $2,500.

Among those who had paid the company for a passage around the world are residents of Texas, California, New York, Ohio and Canada.

SCHOONER HARD AGROUND

Mary E. Olys Meets Disaster During Wind-Storm.

Edgartown, Mass., January 11.—Running into Edgartown harbor during a heavy southwest wind to-day, the schooner Mary E. Olys, from Port Reading, ran ashore about a mile west of the bell buoy in the outer harbor. The seas continued heavy all day, and, with her cargo of coal, the Olys was hard aground to-night. Captain Tibbitts and his crew remained aboard their craft, however, awaiting help from the revenue cutter Acushnet, which probably will pull in the Olys to-morrow.

Aged Pilot Dies.

Savannah, Ga., January 11.—Captain W. H. Fleetwood, aged seventy years, for fifty-five years, except during the Civil War, in the pilot service in the Savannah harbor, died to-day. He was a Confederate veteran. At least twelve lives have been saved by him at sea.

Zelaya Escapes Prosecution.

Managua, Nicaragua, January 11.—Congress has concluded that it has no power to prosecute former President Zelaya for the many offenses charged against him following his retirement from office.

TELLS HOW TO SAVE ONE MILLION DAILY

Brandeis Lectures Railroads on Their Loose Business Methods.

HIGHER RATES ARE NOT NEEDED

Attorney for Shippers of Atlantic Seaboard Tells How Operating Expenses Can Be Reduced 20 Per Cent.—Either This, He Says, or Government Ownership.

Washington, D. C., January 11.—"We contend that rates are ample, but that the expense of operation is excessive; that wages are not too high, but that, as the management is unscientific, labor, material, equipment and plant fail to give adequate results. We plead for the introduction of scientific management, under which the railroads shall get one hundred cents for every dollar expended."

In opening his argument for the shippers of the Atlantic seaboard, before the Interstate Commerce Commission to-day, Louis D. Brandeis, of Boston, thus presented the fundamental reason, in his mind, why freight rates should not be advanced as proposed by the railways.

Mr. Brandeis declared that no railway company operating in official classification territory had introduced into any of its departments the principles of scientific management. He believed that these principles were properly as applicable to railroads as to any other industrial enterprise.

Co-Operation Needed.

If there were co-operation among the roads the highest measure of efficiency could be obtained, and the saving of 3 per cent. of the aggregate cost, or even far more than 3 per cent., readily could be obtained, he said.

Co-operation also, in Mr. Brandeis's opinion, would secure reductions in the cost of steel rails, in the price of which, he believes an enormous saving could be made.

He suggested, however, that no effort was being made by the railroads to obtain a reduction of the price of steel rails because of the financial connections of railroad officials with the four great steel companies which manufacture the rails.

"The economies which would result if all the railroads in the United States introduced scientific management has been estimated at not less than $1,000,000 a day," said Mr. Brandeis. "This would result in reducing the present operating cost of the railroads an average of 20 per cent."

Mr. Brandeis then presented figures to indicate that this estimate was moderate. A saving of 20 per cent. in official classification territory, alone would amount to approximately $500,000 a day, of $180,000,000 a year; while the proposed advances would yield only $27,000,000 a year.

Mr. Brandeis indicated the various ways by which, in his opinion, the saving of $1,000,000 a day to the American railroads could be effected. Some of the savings could be made in equipment charges by the operation of machine and repair shops; in planning before performing; in the standardizing of methods, material and equipment; in keeping accurate records of industrial performances; and in the paying of adequate rewards for individual accomplishments.

He believed that a saving of $50,000,000 a year could be made in the one item of coal, his argument being that there was enormous waste in fuel on practically all lines.

The Terminal Problem.

In his belief, the terminal problem was the greatest problem of transportation now confronting the railroads.

He believed that at least 33 per cent. in the present terminal charges, now aggregating $300,000,000 a year, could be saved through scientific management. Such management would reduce delays in the handling of shipments, and aside from a reduction in the direct cost, would be of enormous benefit to both railways and shippers.

"There is no department of railroading in which the field of economy, through more scientific, more efficient management, is not broadly open," said Mr. Brandeis. "One million a day seems a moderate estimate of the savings possible."

Amid impressive silence, Mr. Brandeis concluded his argument with the declaration that the railroads of the country were confronted with the greatest opportunity of their existence to increase the efficiency of their labor, equipment and plants. If they should embrace the opportunity, they would make for themselves and for the shipping interests of the country and of the world. If they should not, the result only could be, in response to an irresistible popular clamor and demand, the government ownership of railroads of the United States.

Cattle Raisers Protest.

Fort Worth, Texas, January 11.—That the increase in freight rates proposed by the railroads of the United States would be a direct and admitted violation of the Sherman anti-trust law, and that a strenuous fight should be made to defeat the planned raising of rates, was declared to-day by Judge Samuel H. Cowan, attorney for the National Live Stock Association, in an address before the cattle men's organization.

"If the organization has not the courage to stop this advance in rates by forcing President Taft and Attorney-General Wickersham to prosecute the railroads," Judge Cowan said, "it should disband at once."

He termed his argument as a "million dollar talk," because, he explained, if his advice was heeded it would mean a saving of that much to the cattle raisers.

"Grocer-Preacher" Dead.

Boston, Mass., January 11.—Rev. Abijah Hall, the "grocer-preacher," as he was known locally, died to-day of old age. He had been a frequent speaker on Boston Common for many years.

SUCCESSOR TO COREY AS STEEL TRUST PRESIDENT

JAMES A. FARRELL

James A. Farrell, who started business in life at sixteen years of age as a laborer in a wire mill at $4.05 a week, has been selected by J. Pierpont Morgan, Judge Elbert H. Gary and other directors of the United States Steel Corporation, to succeed William Ellis Corey as president of the Billion Dollar Trust, at a salary of $100,000 a year.

Farrell is unknown to the general public, but persons conversant with the steel industry are aware that as president and a director of the United States Steel Products Export Company, a subsidiary of the Steel Trust, he has for eight years been a dominating factor in that branch of the industry.

SHEPARD KNIVED TAMMANY HALL

Attitude of the Organization Is Voiced by Leader Charles Murphy.

GAYNOR INDORSES HIM

Tiger Chieftian Will Not Admit That He is for Sheehan.

New York, January 11.—Two facts in the United States senatorship fight in this State cropped out in New York to-day. Tammany Hall and Charles F. Murphy are opposed to Edward M. Shepard, of Brooklyn, as a successor to Chauncey M. Depew, and Mayor Gaynor urges his selection.

Mr. Murphy spoke for Tammany and himself just before departing for Albany this afternoon; the mayor recorded his indorsement of Mr. Shepard in a letter made public to-night. It is addressed to State Senator Frank M. Loomis, of Buffalo, and says.

"I regret that I was not at the City Hall when you called to see me. I can only say that I am heartily in favor of the election of Edward M. Shepard as Senator. He stands for everything which is best in politics. His selection would bring great credit on the State of New York. The State of New York has been represented in the United States Senate by men who were mere lobbyists from their youth up, or corruptionists in politics.

We now have the opportunity to set our face against that. Will we do it? There never was a plainer case, and if it be evaded, the bad effect thereof will long survive."

In Brooklyn, Mr. Shepard declined to comment either on the Mayor's indorsement or Murphy's opposition.

The characteristically brief interview with the Tammany leader was obtained at the Grand Central Station. By his side at the time stood John H. McCooey, Patrick McCarren's successor as Democratic leader of Brooklyn, who yesterday issued a statement strongly supporting Shepard. To-day he repeated his indorsement directly after the Murphy interview.

"What will be the attitude of the organization on the senatorial question," the Tammany leader was asked.

"The organization," replied Mr. Murphy with slow emphasis, "is against Shepard and I have to be."

"Does that mean that William F. Sheehan will be elected to the United States Senate?"

"I am not saying so," replied Mr. Murphy. "I will only say that all the leaders of the organization are against Shepard."

"How about McCooey's declaration that he is for Shepard?"

"O," said the Tammany leader, turning away with a smile, "that is a Brooklyn affair."

With McCooey's statement, Murphy's interview and Gaynor's letter, the attitudes of three important influences in the senatorship fight are now in the open, but it remains for the Legislature to decide whose preferences shall be followed.

"That's What 'Mayor' Says."

Albany, N. Y., January 11.—Edward M. Shepard and William F. Sheehan were the United States senatorial candidates about whom discussion centred to-night among the Democratic leaders. Charles F. Murphy, the Tammany leader, declared that the New

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SCHENK DEFENSE SCORES HEAVILY

Attorneys Are Jubilant Over Outcome of the Day's Developments.

DR. HUPP IS EXAMINED

State's Star Witness Makes Many Admissions of Value to Defendant.

Wheeling, W. Va., January 11.—The defense scored heavily to-day in the case of Laura Farnsworth Schenk, charged with having attempted to poison her husband, John O. Schenk, the millionaire pork packer. Dr. Frank LeMoyne E. Hupp, who reported the alleged poisoning to the authorities, and was considered the star witness for the State, was under cross-examination at the hands of Attorney John J. P. O'Brien all day, with the exception of a few minutes at the opening of the morning session, when Prosecuting Attorney J. B. Handlan completed the direct examination.

Until less than an hour before adjournment of court this evening the session was uninteresting. Attorney O'Brien suddenly collected the scattered ends of the cross-examination and brought out from the witness points considered of great value to the defense.

Not Sure of Symptoms.

Among other things admitted by Dr. Hupp, was the fact that he was not sure the symptoms exhibited by John O. Schenk, even after the removal of the latter to the hospital, were due to arsenic poisoning until a mineral water used by Schenk was analyzed by experts at the University of Virginia and Johns Hopkins University; that the discoloration of the patient's gums was probably due to a diseased condition of the gums, and the fact "that Schenk did not use a toothbrush," rather than to lead poisoning, and that the millionaire packer was at no time, either before or after his removal to the hospital, actually confined to his bed at all times.

The statement was made by the witness that Schenk was "bedridden, rather than "bed-fast." It has been generally supposed that Schenk was for weeks at the point of death. O'Brien also secured an admission that it was the wife who first summoned Dr. Hupp and who asked if Schenk should not have a trained nurse.

The defense apparently also laid the foundation for a probable claim of conspiracy. For the first time during the trial the name of Albert Schenk, brother of John O. Schenk, and head of the wealthy family, was brought into the case.

"Did not Mrs. Schenk complain to you that Albert Schenk had gone to the hospital and secured John's signature to certain papers which would make Albert executor of John's estate if the latter should die suddenly?" was asked.

"I do not remember all of that conversation," was the reply.

Much of the testimony was of a technical nature, Attorney O'Brien bringing out various facts in relation to the medicines prescribed for Schenk during his illness. It was admitted during the cross-examination that hyomei quinine, one of the compounds taken by Mr. Schenk, contained arsenic in small quantities. In answer to ques-

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ONE BATTLE OVER, ANOTHER BEGINS

Closing Arguments in "Tobacco Trust" Case Are Made.

STANDARD OIL TO FIGHT FOR LIFE

Supreme Court Will Listen to Pleas For and Against Dissolution of Alleged Oil Trust. Giant Corporation Lost Its Case in the Lower Courts.

Washington, January 11.—In the closing arguments to-day in the contest before the Supreme Court of the United States over the proposed dissolution of the so-called "Tobacco Trust," the issue between the "trust" and the government became more focalized than ever before. This was practically true in regard to the interpretation of the "monopolizing" section of the Sherman anti-trust law, which never has been passed upon by the court.

In interpreting this section of the law, Junius Parker, speaking for John F. Johnson, who was unable to be in court, said on behalf of the tobacco organization, that business of an organization or more power possessed by it, was not a criterion of a monopoly. It was argued that there must be an exclusion, or attempt to exclude others, from interstate trade by means at least tortious under the common law or under statutes other than the Sherman law.

Wickersham Objects.

Attorney-General Wickersham, for the government, objected to this interpretation, and gave another to the court. He said that decisions of the court itself had demonstrated that it was brought about by acts of individuals in endeavoring to engross to themselves all of a given commodity and that it has become question of intent.

Evidently bearing in mind suggestions made earlier in the day by Chief Justice White that intent as a criterion of a violation of the law was uncertain and made it impossible for the business man to know whether he was violating the law until the courts passed on his case, Attorney-General Wickersham argued that "intent" was no more uncertain than "fraud," which was punished by the law.

The arguments of the day were made by W. B. Hornblower, representing the Imperial Tobacco Company, of Great Britain; S. M. Stroock, representing the United Cigar Stores Company; Mr. Parker, for the American Tobacco Company, and Mr. Wickersham. Mr. Wickersham will be given a few minutes to-morrow to conclude. Thereafter arguments in the Standard Oil Company dissolution suit will be taken up.

Mr. Wickersham devoted much of his time to-day to showing that the tobacco organization had been built up with an intent to restrain trade and to monopolize the business. He ridiculed the testimony of the officials of the American Tobacco Company, wherein they maintained that they never had any idea of restraining trade.

The Standard Oil Fight.

The final fight of "Standard Oil" for its very existence under the present organization will begin to-morrow. John G. Milburn, of New York, will lay before the court the foundation for the defense of the Standard.

The suit under the Sherman anti-trust law to dissolve the Standard Oil organization was instituted in 1906 in the Circuit Court of the United States for the Eastern District of Missouri. The proceedings were begun by the Department of Justice in the name of the United States against 114 corporations and seven individuals.

The principal corporation was the Standard Oil Company, of New Jersey. From 1882 to the present time, this company is said to have operated refineries itself, but in 1899 its stock was increased to $100,000,000 so as to enable it to acquire the stock of nineteen other oil companies, which in turn owned a large number of companies concerned in the oil business. The Standard Oil Company of New Jersey was designated as a holding company, and is similar to the American Tobacco Company, the organization of which is now being considered by the court.

Individuals Named.

The seven individuals named in the suit as defendants were John D. Rockefeller, William Rockefeller, Henry M. Flagler, Henry H. Rogers, John D. Archbold, Oliver H. Payne and Charles M. Pratt. The part these men are said to have played in the alleged violation of the Sherman anti-trust law has been summarized by the government as follows:

About 1870 the Rockefellers and Flagler conceived the purpose of controlling the petroleum trade, both domestic and export, and obtaining a monopoly thereof.

They entered into a conspiracy to accomplish this purpose, which from time to time took the form of various combinations. Shortly after 1870 the Rockefellers and Flagler were joined in the conspiracy by Rogers, Archbold, Payne and Pratt.

The form which the alleged conspiracy took is described by the government as being from 1870 to 1882 "a combination between a large number of manufacturers, who acted in harmony and whose stock interests were pooled in the hands of three trustees in 1879." From 1882 to 1899 the form of the alleged combination was that of a trust agreement, whereby the stock of a large number of corporations was placed in the hands of trustees, who managed the property. From 1899 to the present time the combination is alleged to have taken the form of a holding company, the Standard Oil Company of New Jersey.

Lost in Circuit Court.

The four judges in the Circuit Court found that Standard Oil was an illegal combination in restraint of interstate commerce and was also monopolizing the oil trade. A decree was entered enjoining the holding company from